82 (3)

Supreme Court, U.S.
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No. 10-707

IN THE
Supreme Court of the United States

LORNA ROOS,

Petitioner,

v.

MICHAEL Y. ROOS,

Respondent.

On Petition For Writ Of Certiorari
To The
California Court Of Appeal,
Second Appellate District, Division Three

PETITION FOR REHEARING

LORNA ROOS IN PRO PER
1482 East Valley Road, #305
Santa Barbara, CA 93108
(805) 845-8395

LIST OF ALL PARTIES TO THE PROCEEDINGS

Pursuant to Rule 14.1(b), the parties here and in the proceeding in District Court is Petitioner, Lorna Roos, and Respondent, Michael Y. Roos. Pursuant to Rule 12.4 Petitioner's twin-sister, Leslie Stevenson Reilly is joined here within to this petition for certiorari. The trial court failed to join Leslie Reilly previously in violation of the law when she was tied to many financial transactions and interests of the community estate. The trial court failed to award Petitioner's twin-sister, Leslie Stevenson Reilly any of her separate property contributions made to the community and her separate investments made into Sacramento property (diverted to pay for the investment made into Commerce Casino Card Club). Leslie Stevenson Reilly is now being joined to this case as her separate property interests need to be protected, adjudicated, and awarded to her.

RULE 29.4 (a) & (c) FILING AND SERVICE OF DOCUMENTS; SPECIAL NOTIFICATIONS;

(a) May apply for criminal prosecution: service made on the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N.W. Washington, D.C. 20530-0001

(c)May apply for criminal prosecution: service made on the Attorney General of the State of California

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None,

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None,

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None

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No. 10 -707

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2010

LORNA ROOS,

Petitioner,

v.

MICHAEL Y. ROOS,

Respondent.

PETITION FOR REHEARING

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA, SECOND APPELLATE DISTRICT, DIVISION THREE

Petitioner Lorna Roos respectfully prays that a Writ of Certiorari issue to review the decision of the California Court of Appeal entered on June 23rd, 2010.

PETITION FOR REHEARING

Pursuant to Rule 44.1 Petitioner respectfully petition this court for rehearing.

INTRODUCTION

The underlying issue herein under review is that Respondent failed to disclose assets and income at time of dissolution of marriage, disclosure, and judgment as required by law. A significant amount of documentary evidence was filed, served on opposing counsel, and submitted with the court, and was designated on appellate record without objection. The undisputed evidence reveals Respondent gave false testimony, misrepresented material facts, failed to disclose concealed EIN numbers, trusts, and California Commerce Club interest whereby this same evidence proves Respondent knowingly violated mandatory disclosure requirements and breached fiduciary duties at the time of dissolution of marriage, judgment, and support orders. The lower court failed to set aside divorce judgment and support orders as required by law.

The new evidence and material facts on this case BD202859 clearly reveal the existence and ownership of concealed assets and income at time of dissolution marriage and judgment. This concealment of assets and income by Respondent prevented Petitioner from fully participating in proceedings.

Respondent and Respondent's attorney presented zero evidence and no superior evidence and or any evidence to the contrary to dispute Petitioner's evidence. However, Respondent was able to keep secure the fraudulent divorce judgment, fraudulent support orders, and false credits on an arrearages D.A. case through audit department at Children and Family Support Services (Petitioner was never given a chance to participate in these audits conducted on behalf of Respondent) without penalty on appeal.

Petitioner's petition for rehearing argues that the court has failed to fully consider issues and evidence presented by Petitioner. First, the lower court ignored the evidence presented by Petitioner in "an abuse of discretion". Then, the appeals court improperly excluded the evidence (that was designated on appellate record according to California Rule 8.124 as Appellant's Appendix) from consideration on this appeal in another "abuse of discretion." Both courts have violated the Fourteenth Amendment, Petitioner's rights to due process as they failed to look at the evidence. The court has granted Respondent full and fair opportunities to present his arguments and objections but not that of Petitioner. Petitioner's evidence on the appellate record was unlawfully eliminated by the appeals court opinion for technical violations / objections that were never raised in lower court at time of judgment, proposed, and or briefed (in violation of California Government Code section 68081 and Federal Rules of Appellate Procedure Circuit, Rule 10). Petitioner was given no chance to

obliterate these objections raised by the erroneous appeals court opinion.

Respondent presented no evidence of disclosure and no evidence to the contrary to dispute Petitioner's evidence of non-disclosure and concealment of assets and income and breach of fiduciary duties yet shockingly the court has ruled

in Respondent's favor preventing Petitioner due process, an equitable divorce judgment, and support orders.

STATEMENT OF THE CASE

This appeal arises out of a cause of action in Family Court filed in the Superior Court of Los Angeles County by Lorna Roos, in her own right and on behalf of her children, Caroline Roos and Catherine Roos, and her twin sister, Leslie Stevenson Reilly. While conducting discovery for a higher support order hearing Petitioner learned from newly discovered evidence that Respondent had misrepresented material facts and concealed assets and income from Petitioner and the court during all prior divorce proceedings and support order hearings. This documentary evidence showed Mike Roos committed fraud and perjury (as stated under California Family Code Section 2120-2129; 2120, 2121, 2122 (a) & (b), and as set forth in Sections 721, 1100, and 1101 of the Family Code, when the breach falls within the ambit meaning 3294 of the Civil Code) whereby it revealed Mike Roos gave false testimony (lied under oath) in court and it also revealed Mike Roos provided Petitioner and the court with false financial declarations (omitted assets and

income) during the divorce proceedings and support order hearings. In addition, this new evidence exposed Respondent had knowingly registered concealed assets using undisclosed EIN numbers and undisclosed trusts.

Respondent kept concealed the fact that he was a co-trustee of a trust and fraudulently misrepresented key material facts during divorce proceedings whereby this new evidence reveals he owned and created this trust during the marriage to divert and embezzle assets.

Had these material facts, assets, and income been known by Petitioner at time of disclosure the divorce judgment and support orders would have been different as they are based on false testimony and false declarations of disclosures supplied by Respondent.

Additionally, Respondent learned how to embezzle money through audit at Child Family Support Services Dept. whereby Respondent was given fraudulent credits on support order arrearages case in the amount of $924,000+ with the district attorney by requesting audits without Petitioner's participation and or knowledge. Petitioner immediately filed a motion to set aside the divorce judgment and all support orders and for attorney fee's along with a freezing order requesting a new trial, discovery, forensic accountant, and for adjudication/ forfeiture of the concealed assets and income that the new evidence revealed. Petitioner requested the evidence of fraud, perjury, and judicial negligence and or misconduct be turned over for

criminal investigation which included the false credits given through audit department at Children and Family Support Services.

Petitioner's motion sought to set aside the divorce judgment of June 4th, 2004 based on allegations of newly discovered evidence, trial court committed judicial negligence, and or misconduct in permitting Respondent to turn over his final

financial after the first day of trial had occurred (violated 45 day rule in direct violation of California Family Code Section 2105 Petitioner requested a mistrial yet Judge Black refused Appendix "B" transcript 4-27-2000 hearing). More importantly, Respondent was permitted to turn over a financial declaration (Appendix "D") at hearing of 4-27- 2000 whereby Respondent fraudulently added a 6th page to his original final financial filed in trial brief on 3-9-2000 (Appendix "C") without Petitioner's knowledge and or consent this materially affected the outcome of the first trial. Petitioner was not granted discovery to either of these two financial declarations of disclosure filed by Respondent. Additionally, the court permitted Respondent to violate California Family Code Section 3552 (a) in not having to turn over tax returns (Petitioner subpoenaed Respondent's tax returns and the court refused to hear Petitioner's In Contempt motion filed on this matter). Also, the court failed to provide a statement of decisions in violation of California Code of Civil Procedure 632 (Petitioner requested one in writing prior to judgment in her trial brief that is missing from court docket), and failed to

provide Petitioner with financial resources to hire an attorney.

All requests and motions filed by Petitioner for a new trial were denied by the Superior court of Los Angeles County with orders finally being entered on April 27th, 2009 by Judge Diaz which was well over 6 months from the original motion having been filed on 9-29-2008 in Judge Black's courtroom in Long Beach, California.

Furthermore, Judge Kenneth Black and Judge Rudolph Diaz, of which both were informed that false credits were given to Respondent in the amount of $924,000.+ on support arrearages case owed at the D.A and never paid by Respondent and that Respondent was getting more false credits through the audit department at Children and Family Services further harming Petitioner and the children. The false credits given to Respondent were never dealt with and or paid by Respondent.

The Children and Family Services audit dept has conducted many audits on behalf of Respondent without Petitioner's knowledge and or input in which Respondent has received additional false credits by audit. Respondent learned "theft by audit" .

The facts underlying this case are quite simple. Petitioner will set forth those facts herein as simplistically as possible and only to the extent necessary for the issues raised on this Petition for rehearing to be granted. In order to show the oversimplification of this case Petitioner has included Respondent, Mike Roos' testimony from first day of trial 3-9-2000 Appendix "A" (Respondent

clearly states he owns no California Commerce Club , no card club interests, and that no one is holding a interest for him: None ,None, None,) as this trial day testimony has been eliminated from the facts of the appeals court opinion and Petitioner's evidence of K-1 form Michael Y. Roos ownership of Commerce Casino Club year 2004 Appendix "H", Ownership of Roos Family Living Trust Malissa W. Roos Estate Tax Return Schedule G lists Michael Y. Roos as a co-trustee Appendix "G", ownership undisclosed Roos Family Living Trust main asset Schedule "A" 20 shares California Commerce Club Appendix "L" - as all this evidence has been eliminated from the appeals court opinion and clearly reveals Respondent, Michael Y. Roos violated his mandatory disclosure requirements and breached his fiduciary duties at time of disclosure and judgment there should be a petition for rehearing granted to avoid a complete "miscarriage of justice" on this case.

The facts in the appeals court opinion are clearly erroneous as trial dates March 9 and 10th of 2000 have been omitted from appeals court opinion as testimony from first day of trial reveals Respondent lied under oath about the ownership of Commerce Casino Club interest and Respondent failed to disclose the Roos Family Trust that he was a co-trustee of the trust that held the interest.

Respondent was able to secure a fraudulent judgment and support orders in the divorce judgment because of this false testimony given by Respondent. Petitioner has been trying to bring to

the courts attention to the fact that Respondent violated his mandatory disclosure requirements and breached his fiduciary duties as Petitioner discovered from this newly discovered evidence on the appellate record as it reveals Respondent lied under oath, filed false declarations of disclosure, and concealed assets and income from Petitioner during all prior divorce proceedings (as stated under California Family Code Section 2120-2129; 2120, 2121, 2122 (a) & (b), and as set forth in Sections 721, 1100, and 1101 of the Family Code, when the breach falls within the ambit meaning 3294 of the Civil Code) .

The newly discovered evidence on the appellate record would have materially affected the original outcome of the judgment on this case, the incorrect decision rendered by the lower court, and the appeals court opinion would not be possible as the evidence above reveals them to be erroneous. Not one of the decisions by the lower court and or appeals court are supported by the evidence on the record.

If one were to carefully consider all the facts contained in the record on appeal it would be impossible to render a decision that Petitioner had a lack of proof and or technical violations should be applied in order to not set aside judgment and support orders. Petitioner would like to point out that, this case was not tried because Respondent failed to put forth any evidence, not one single piece of evidence, and or proof of disclosure.

The case was settled by one Judge whereby this Judge had undisputed evidence before him presented

by Petitioner without any objections from Respondent yet the court has entered a wrong decision in a fraudulent judgment that needs to be corrected on this appeal in order to prevent further harm to Petitioner, Caroline Roos, Catherine Roos, and Leslie Stevenson Reilly.

What is of most importance is that many of the factual errors in the appeals court opinion are not in dispute by Respondent but only that of the appeals court opinion on behalf of Respondent as none of the issues raised by the appeals court opinion were ever raised by Respondent proposed and or briefed (technical violations/ objections). Petitioner was never given the opportunity to resolve any issues raised by the appeals court opinion (technical violations/ objections) as they were not issues raised by Respondent at time of judgment before the lower and or on this appeal and are not valid objections based on truth, facts, and evidence.

Respondent has filed no evidence to the contrary that he disclosed the concealed assets and income that were discovered by Petitioner. Respondent has showed no proof of disclosure and or ownership other than to falsely claim with no evidence presented that the Commerce Casino Club is his mother's investment . The appeal centers on a dispute over the ownership of commerce casino card club and possibly more card club interests. The appeal alleges that, pursuant to a fraudulent undisclosed Roos family living trust Respondent became the owner of this investment.

First, Respondent represented he never owned no card club interests then he falsely represented his mother owned the interest in the commerce casino when Respondent was a co-trustee of Roos Family Living Trust that he failed to disclose was an undisclosed sham trust. Petitioner did provide the court with documentary evidence newly discovered that Respondent's father Walter Louis Roos died broke with no will and or probate Appendix "I" (making any trust a sham with his name on it). Lastly, Petitioner provided the court with newly discovered evidence that Respondent's mother, Malissa Williamson Roos also died virtually broke with only $20,000 going through her probate estate Appendix "J" making any claim by Respondent that his mother owned the Commerce Casino Club to be false.

REASONS FOR GRANTING THE PETITION FOR REHEARING

ARGUMENTS

I

Petitioner respectfully prays a petition for rehearing be granted on this case in order to avoid further harm directly derived from the conflicting opinions of the lower court and the appeals court opinion as the evidence that was before the court at time of judgment and designated on the appellate record has been unlawfully eliminated by the appeals court opinion.

The case falls within the realm of being extraordinary in nature, and of great concern, gravity, as the appeals court opinion has illegally dismissed valid evidence exists that was before the lower court at time of judgment, issued erroneous factual findings, eliminated days of trial testimony, and misapplications of properly stated statues, laws, and rules. This case is of such imperative public importance because the evidence that was before the court reveals embezzlement, fraud, and perjury whereby this evidence and prior testimony given in court has criminal implications (for Mike Roos a powerful lobbyist, judges, and others) and any suppression of evidence that is clear and convincing by a court should not be tolerated . The appeals court has violated Federal Rules of Appellate Procedure, rule 10 and has violated the Fourteenth Amendment Petitioner's rights to due process because the appeals court has failed to consider the same evidence that was before the lower court at time of judgment. This evidence was designated on the appellate record without any objection in accordance with California Rule 8.124 as Appellant's Appendix. The appeals court opinion erroneously excluded the evidence for technical reasons not raised, proposed, and or briefed on behalf of Respondent in violation of California Government Code section 68081. "When new trial will be directed by Supreme Court – In general.- In those cases where findings of fact by Court below are such as to require judgment for Appellant rather than Respondent, where those findings are result of evidence erroneously admitted or excluded" - *Sun*

Ins. Co. V. White, 118 Cal. 468, 50 Pac. 546. The proper subjects of review in Supreme Court are the rulings and decisions of the trial court, not reasons given for such decisions and rulings either the record supports the rulings and decisions or it does not.

II.

This same evidence reveals the court allowed one party in the divorce to violate mandatory disclosure requirements, to breach fiduciary duties, and to have the only access to financial resources to hire an attorney. This same court refused to give newly discovered evidence of non-disclosure and concealment of assets any consideration because the evidence reveals the divorce judgment and support orders is based on fraud, perjury, and judicial misconduct. There needs to be uniformity, due process, and fairness in our courts. The people should at a minimum expect the courts to be fair and impartial to each party especially when one spouse has complete control over all of the community assets, has failed to pay court ordered support, has violated mandatory disclosure requirements, has breached their fiduciary duties, and has failed to disclose assets and income as required by law (as stated under California Family Code Section 2120-2129; 2120, 2121, 2122 (a) & (b), and as set forth in Sections 721, 1100, and 1101 of the Family Code, when the breach falls within the ambit meaning 3294 of the Civil Code).

The Supreme court has the authority to not allow an erroneous appeals court opinion rendered to stand and should clarify an appeals court opinion that's contradictory to the lower court's opinion as without the intervention of the Supreme court it will only cause additional harm and confusion. Additionally, the appeals court opinion raised new issues not proposed and or briefed in their opinion which further complicates the issues on appeal because the opinion dismissed evidence that existed before the lower court which revealed nondisclosure, concealment of assets, fraud, and perjury in order to affirm the lower court decision on" a lack of proof' (an abuse of discretion).

Appeal must be disposed of upon the appellate record not an erroneous appeals court opinion which has improperly raised technical violations should have existed but were not raised, proposed, and or briefed (beyond the record) on behalf of Respondent for the first time on appeal.

"Supreme Court will not look beyond record brought up on appeal, and if record does not justify judgment. It will be reversed." · *Reiss v. Brady*, 2 Cal. 132.

III.

Individuals should not be harmed for under taking an appeal by any court when they have been wronged they should expect remedies to be applied by the court when there has been a showing of evidence of violations of statutes, rules, and laws. The errors committed by the lower court and the

appeals court should be considered criminal in nature as the deviations made from the normal appellate practice are in direct violation of the Federal Rules of Appellate Procedure, statutes, and laws, and immediate determination is more than justified. Petitioner asks this court to determine the conflicting opinions of the trial court and the appellate court as to what evidence was in fact considered by the court if any? Currently, the court and Respondent is advancing a claim in the lower court that the evidence presented to the lower court (but not ever considered by the appeals court opinion as the evidence was unlawfully eliminated) was dealt with on this appeal and all issues raised related to the evidence is *Res judicata.*

"*Res judicata* or *res iudicata* (RJ), also known as claim preclusion, is the Latin term for "a matter [already] judged", and may refer to two things: in both civil law and common law legal systems, a case in which there has been a final judgment and is no longer subject to appeal.;[1] and the term is also used to refer to the legal doctrine meant to bar (or preclude) continued litigation of such cases between the same parties, which is different between the two legal systems. In this latter usage, the term is synonymous with "preclusion".

In the case of Res Judicata, the matter cannot be raised again, either in the same court or in a different court. A court will use Res Judicata to deny reconsideration of a matter.[2]

The legal concept of Res Judicata arose as a method of preventing injustice to the parties of a case

supposedly finished, but perhaps mostly to avoid unnecessary waste of resources in the court system. *Res judicata* does not merely prevent future judgments from contradicting earlier ones, but also prevents litigants from multiplying judgments, so a prevailing plaintiff could not recover damages from the defendant twice for the same injury."

"As to decision of the appellate Court being "law of the case." a decision of Supreme Court, in given cause, whether erroneous or not, becomes the law of that case in all its stages, fixes the rights of the parties, in binding upon inferior tribunals, and can not be reviewed by Supreme Court itself, where cause comes up on second appeal." – *Gross v. Fowler*, 21 Cal. 392, 395; *Argenti v. sawyer*, 32 Cal. 414, 416, See *Yates v. Smith*, 40 Cal. 662; *Kile v. Tubbs*, 32 Cal. 332; *Mulford v. Estudillo*, 32 Cal. 131; *Davidson v. Dallas* 15 Cal. 75, 82.

In essence, the evidence of embezzlement, fraud, and perjury will never see the light of day in any court if this Petition for rehearing is not granted....

CONCLUSION

"The Supreme Court have power to order a rehearing, or a new trial, in those cases in which they doubt the correctness of the action of the trial court in making an order for judgment instead of awarding a new trial." - *Kimpton v. Jubliee Placer Min. Co.*,16 Mont. 379, 382, 41 Pac. 137, 42 Pac. 102.

Petitioner should be entitled to a equitable divorce judgment, her separate property (including Commerce Casino Card Club Interest 20 shares plus ill gotten gains), Equitable support orders, arrearages owed on support orders, a fair trial, and discovery. Petitioner's twin-sister should be entitled to her separate property (including Commerce Casino Card Club Interest 20 shares plus ill gotten gains), all her cash contributions made to the community estate ($100,000.+), her car insurance settlement stolen by Mike Roos ($531,561). and or her commission on the sale of the Bicycle club interest to Walter Lack LLC stolen by Mike Roos (over $1,300,000.plus ill gotten gains). Note: Petitioner's twin- sister, Leslie Stevenson Reilly (was the registered broker with the Marshalls forfeiture dept. Resolution Trust dept. for this investment). She got a package from Harry Richard the trustee for the government's interest in July/ August 1994. Petitioner believes Mike Roos her former husband stole the commission. Petitioner's twin sister and Petitioner sent out packages to prospective investors which included Mr. Tom Girardi. They have been prevented from knowing who the actual investors are in the Walter Lack L.L.C. and who actually collected the commission on the Bicycle Club Investment as Petitioner was prevented from discovery in this divorce and there has been no transparency as the interest is held in an LLC.

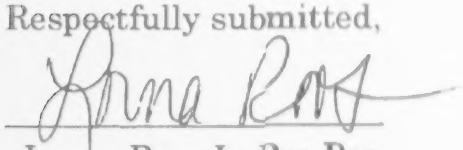
Petitioner prays that the rules, statutes, laws will be applied to the evidence in truth and to the facts on this case as a terrible injustice has occurred.

For the foregoing reasons the petition for rehearing should be granted, the orders issued by Judge Rudolph Diaz on 4-27-2009 and the appeals court opinion issued on 4-23-2010 should be vacated, and the case scheduled for a new trial whereby the judgment from June 4th, 2004 is set aside in it's entirety including all support orders and any false credits given to Respondent on support orders reversed. Respondent should be charged with all costs for this appeal not Appellant.

I declare certify under penalty of perjury that the foregoing is true and correct.

Executed on February 16th, 2011

Respectfully submitted,



Lorna Roos In Pro Per

Appendix A

SUPERIOR COURT OF THE STATE OF CALIFORNIA
THE COUNTY OF LOS ANGELES
DEPARTMENT NO. 27 HON. KENNETH A BLACK, JUDGE

IN RE THE MARRIAGE OF:)
LORNA ROOS,)
PETITIONER,)
AND) NO. BD202859
MICHAEL ROOS,)
RESPONDENT,)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
THURSDAY, MARCH 9, 2000
(P.M. SESSION)

APPEARANCES:

Appendix A

FOR THE PETITIONER: ILENE EVANS
TRABOLSI, ESQ.
2530 WILSHIRE BOULEVARD
SUITE 200
SANTA MONICA, CA 90403
(310) 453-6226

FOR THE RESPONDENT: ROBERT M. NEWELL,
ESQ.
600 WILSHIRE BOULEVARD
17TH FLOOR
LOS ANGELES, CA 90017
(213) 629-1231

ORIGINAL

REPORTED BY: SHARON M. LOPEZ CSR
NO. 5154
OFFICIAL REPORTER

Appendix A

A NO 12

Q DO YOU HOLD ANY ASSETS OF ANY KIND IN NEW YORK?

A NONE.

Q **DO YOU HAVE ANY INTEREST IN COMMERCE CARD CLUB?**

A **NONE.**

Q **ANY CARD OR CASINO CLUB?**

A **NONE.**

Q **NO ONE IS HOLDING ANY INTEREST IN THOSE CLUBS—**

A **NONE.**

THE COURT: LET HER FINISH THE QUESTION.

THE WITNESS: I'M SORRY

BY MS. TRABOLSI:

Q **MR. ROOS**, DO YOU HAVE A FEDERAL

Appendix A

TAX I. D. NUMBER?

A YOU KNOW. I DO APOLOGIZE IN NOT BEING ABLE TO –I MEAN I DON'T KNOW. I MEAN MY STRENGTH IS NOT PAYING ATTENTION TO THE SPECIFICS OF WHETHER I HAVE A FEDERAL TAX I.D. NUMBER OR NOT. IF WE HAD HAD LUNCH AND YOU ASKED ME THE QUESTION, I WOULD GO BACK AND I WOULD CALL UP RENITA AND SAY, " DO I HAVE A FEDERAL TAX I.D. NUMBER?"

Q RENITA IS WHO?

A RENATA IS THE BOOKKEEPER WHO DOES THESE STATEMENTS OF INS AND OUTS.

Q HAVE YOU EVER FILED A TAX RETURN UNDER A FEDERAL I.D. NUMBER?

A I DON'T KNOW WHAT THAT MEANS. I FILE ALL OF MY TAXES, AND YOU HAVE EVERY TAX FORM THAT I HAVE EVER FILED

Appendix A

IN THE BOX IN FRONT OF YOU DURING MY MARRIAGE TO LORNA.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
THE COUNTY OF LOS ANGELES
DEPARTMENT NO. 27 HON. KENNETH A BLACK, JUDGE

IN RE THE MARRIAGE OF:)
LORNA ROOS,)
PETITIONER,)
AND) NO. BD202859
MICHAEL ROOS,) REPORTER'S
RESPONDENT,) CERTIFICATE
_____)
STATE OF CALIFORNIA)

Appendix A

)

COUNTY OF LOS ANGELES)

I, SHARON M LOPEZ, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 2 THROUGH 82 COMPRISES A FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HAD IN THE MATTER OF THE ABOVE- ENTITLED CAUSE ON THURSDAY, MARCH 9, 2000, P.M. SESSION.

DATED THIS 7TH DAY OF JULY 2000.

"s/"

CSR NO. 5154, OFFICIAL REPORTER

Appendix B

SUPERIOR COURT OF THE STATE OF CALIFORNIA

THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 27 HON. KENNETH A BLACK, JUDGE

IN RE THE MARRIAGE OF:	)	
LORNA ROOS,	)	
PETITIONER,	)	
AND	)	NO. BD202859
MICHAEL ROOS,	)	
RESPONDENT,	)	
_____	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THURSDAY, APRIL 27, 2000

APPEARANCES:

Appendix B

FOR THE PETITIONER: LORNA ROOS
IN PROPRIA PERSONA

FOR THE RESPONDENT: ROBERT M. NEWELL,
ESQ.
600 WILSHIRE BOULEVARD
17TH FLOOR
LOS ANGELES, CA 90017-3229

YOLANDA POTTER, C.S.R. NO. #2125
OFFICIAL REPORTER

ORIGINAL

Appendix B

MR. NEWELL: LET ME CHECK AND SEE.

MR. OYLER: EXCUSE ME, YOUR HONOR. WHEN I WAS IN COURT ONE DAY AND REVIEWED THE COURT FILE, I DID NOT SEE THE **FINAL DISCLOSURE STATEMENT** OF THE RESPONDENT IN THE FILE.

THE COURT: MR. OYLER, IT'S NOT FILED.

MR. NEWEL: I THINK I FILED IT HERE.

MR. OYLER: I DID NOT SEE THAT IN THE FILE.

THE COURT: I KNOW. TRY TO FIND IT, MR. NEWELL.

MR. NEWELL: MY RECOLLECTION IS I FILED IT THE LAST TIME WE WERE IN COURT WITH YOUR CLERK.

THE COURT: HERE'S THE COURT FILE. SEE IF YOU CAN FIND IT.

Appendix B

(PAUSE IN THE PROCEEDINGS.)

THE COURT: DO YOU WANT TO CHECK, VIRGINIA, AND SEE IF MR. NEWELL --- CHECK ON THE COMPUTER.

(PAUSE IN THE PROCEEDINGS.)

MR. NEWELL: YOUR HONOR, I DON'T SEE THAT THE DECLARATION WAS FILED. BUT A STATEMENT OF ASSETS AND LIABILITIES--

THE COURT: THAT'S NOT A DECLARATION OF DISCLOSURE.

MR. NEWELL: I UNDERSTAND, BUT THAT'S AN IDLE ACT IN THIS CASE.

THE COURT: EXCUSE ME?

MR. NEWELL: IT'S AN IDLE ACT IN THIS CASE BECAUSE I SENT A COMPLETE STATEMENT OF ASSETS AND LIABILITIES ON MARCH THE 2ND.

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THE COURT: YOU MAY CHARACTERIZE IT AS AN IDLE ACT, BUT THE LEGISLATURE USED THE WORD "SHALL".

MR. NEWELL: **I WILL PREPARE IT RIGHT NOW**.

THE COURT: WELL --

MR. OYLER: WELL, I THINK **THE STAUTE REQUIRES 45 DAYS.**

THE COURT: IT DOES SAY THAT, BUT IT ALSO DOESN'T SAY WHAT THE REMEDY IS. IT TALKS ABOUT THE FIRST ASSIGNED TRIAL DATE, SO IN THEORY YOU COULD NEVER GET DIVORCED IN THAT CASE. IN THEORY YOU WOULD HAVE TO DISMISS THAT CASE AND THEN FILE ANOTHER ONE.

MS. ROOS: YOUR HONOR –

THE COURT: YES.

MS. ROOS: YOUR HONOR, I UNDERSTAND IF YOU GO PAST THE ALLOTTED TIME FOR FOUR HOURS THAT **YOU HAVE THE OPPORTUNITY TO DO A MISTRIAL.**

MR. NEWELL: TO DO WHAT?

Appendix B

THE COURT: **A MISTRIAL**. THAT'S GOING TO BE PRODUCTIVE BECAUSE I'M JUST GOING TO GET TO DO IT AGAIN.

MS. ROOS: **WELL, WE'D LIKE TO DO THAT.**

THE COURT: **YOU MIGHT LIKE TO DO THAT, BUT THE COURT ISN'T GOING TO NECESSARILY USE THE COURT'S RESOURCES IN THAT FASHION BECAUSE THAT'S A WASTE OF EVERYBODY'S TIME.**

MS. ROOS: BUT I AM --

THE COURT: **I'M NOT GOING TO DECLARE A MISTRIAL.**

MS. ROOS: I NEED TO REPLACE THE DOCUMENTS THAT WERE TAKEN FROM THE COURT FILE.

Appendix B

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SUPERIOR COURT OF THE STATE CALIFORNIA
THE COUNTY OF LOS ANGELES
DEPARTMENT NO. 27 HON. KENNETH A BLACK, JUDGE

IN RE THE MARRIAGE OF:)
LORNA ROOS,)
PETITIONER,)
AND) NO. BD 202859
MICHAEL ROOS,) REPORTER'S
RESPONDENT,) CERTIFICATE
_____)

STATE OF CALIFORNIA)
) SS
COUNTY OF LOS ANGELES)

Appendix B

I, YOLANDA POTTER, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 THROUGH 19; COMPRISES A TRUE AND CORRECT TRANSCRIPT HELD ON THURSDAY, MARCH 9, 2000; IN THE MATTER OF THE ABOVE-ENTITLED CAUSE.

DATED THIS 21ST DAY OF JUNE 2000.

"s/" C.S.R. #2125

OFFICIAL REPORTER

Appendix C

ROBERT M. NEWELL, ESQ. # 19006 (213) 629-1231
600 Wilshire Boulevard, 17th Floor
Los Angeles, CA 90017-3229
Attorney for MICHAEL ROOS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES — NO. BD202859

In re the marriage of :) RESPONDENT'S
Petitioner: LORNA ROOS) TRIAL BRIEF
) Date: Match 9, 2000
and) Time: 8 : 30 A.M.
Respondent: MICHAEL ROOS) Dept: 27
)

1.STATISTICAL FACTS:

The parties were married on September 16, 1988. They first separated on September 17, 1994, but reconciled somewhat later. They separated again on February 19, 1999. Therefore, the length of the

Appendix C

marriage is arguable – 10 years and 5 months. They have two minor children:

Caroline, born on 11/14/91, age 8

Catherine, born on 2/3/93, age 7

2. CUSTODY AND VISITATION:

The parties agree that they shall share the joint legal

Appendix C

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NO	
ROBERT M. NEWELL, ESQ. # 19006 (213) 629-1231 600 Wilshire Boulevard, 17th, Floor Los Angeles, CA 90017-3229	
ATTORNEY FOR (NAME) MICHAEL ROOS	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES	
MARRIAGE OF PETITIONER: LORNA ROOS RESPONDENT: MICHAEL ROOS	
SCHEDULE OF ASSETS AND DEBTS ☐ **Petitioner's** ☐ Respondent's	CASE NUMBER BD202859

-INSTRUCTIONS-

List all your known community and separate assets or debts. Include assets even if they are in the possession of another person, including your spouse. If you contend an asset or debt is separate, put H or W in the first column (separate property) to indicate to whom you contend it belongs.

All values should be as of the date of signing the declaration unless you specify a different valuation date with the description.

For additional space, use a continuation sheet numbered to show what item is being continued.

ITEM NO	ASSETS-DESCRIPTION	SEP PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
1	REAL ESTATE (Give street addresses, and attach copies of deeds with legal descriptions and latest lender's statement.) undivided 2/3 interest in residence at Kenilworth Ave., Los Angeles, CA		Oct. 1990 Total equity	650,000	457,000

Appendix C

ITEM NO.	ASSETS-DESCRIPTION	SEP PROP.	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
1.	Con't SEE ATTACHED SCHEDULE OF ASSETS FOR BALANCE OF ASSETS AND DEBTS		$193,000	: 2/3 = $128,666	
2.	HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES (Identify)				
3.	JEWELRY, ANTIQUES, ART, COIN COLLECTIONS, etc. (Identify)				

(Continued on reverse)

SCHEDULE OF ASSETS AND DEBTS

Form approved by rule 1292.11 (Family Law) Code of Civil Procedure 2030

Appendix C

ITEM NO.	ASSETS-DESCRIPTION	SEP PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
4.	VEHICLES, BOATS, TRAILERS (Describe and attach copy of title document)			$	$
5.	SAVINGS ACCOUNTS (Account name, account number, bank, and branch. Attach copy of latest statement.)				
6.	CHECKING ACCOUNTS Account name and number, bank, and branch. Attach copy of latest statement)				
7.	CREDIT UNION, OTHER DEPOSIT ACCOUNTS (Account name and number, bank, and branch. Attach copy of latest statement.)				
8.	CASH (Give location)				
9.	TAX REFUND				
10	LIFE INSURANCE WITH CASH SURRENDER OR LOAN VALUE (Attach copy of declaration page for Each policy.)				

(Continued on next page)

Appendix C

ITEM NO.	ASSETS-DESCRIPTION	SEP PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
11.	STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS (Give certificate number and attach copy of the certificate or copy of latest statement)			$	$
12.	RETIREMENT ND PENSIONS (Attach copy of latest summary plan documents and latest benefit statement)				
13.	PROFIT-SHARING, ANNUITIES, IRAS, DEFERRED COMPENSATION (Attach copy of latest statement.)				
14.	ACCOUNTS RECEIVABLE AND UNSECURED NOTES (Attach copy of each.)				
15.	PARTNERSHIPS AND OTHER BUSINESS INTERESTS (Attach copy of most current K-1 form and schedule C.)				
16.	OTHER ASSETS				
17.	TOTAL ASSETS FROM CONTINUATION SHEET				
18.	TOTAL ASSETS				

(Continued on reverse)

Appendix C

DEBTS SHOW TO WHOM OWED ITEM NO.	SEP PROP	TOTAL OWING	DATE INCURRED
19. STUDENT LOANS		$	
20. TAXES (Give details.)			
21. SUPPORT ARREARAGES (Attach copies of orders and statements.)			
22 LOANS – UNSECURED (Give bank name and Loan No. and attach copy of latest statement.)			
23. CREDIT CARDS (Give credit's name and address and the account number Attach copy of latest statement.)			
24. OTHER DEBTS (Specify):			
25. TOTAL DEBTS FROM CONTINUATION SHEET			
26. TOTAL DEBTS			

27. ☐ ____ pages are attached as continuation sheets.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date 3/1/00

MICHAEL ROOS

(TYPE OR PRINT NAME OF DECLARANT)

"s/

(SIGNATURE OF DECLARANT)

SCHEDULE OF ASSETS AND DEBTS Page four of four

Appendix C

SCHEDULE OF ASSETS AND LIABILITIES

COMMUNITY PROPERTY

1.	Undivided interest in residence at 2105 Kenilworth Ave. Los Angeles, CA	$128,666
2.	Household furniture and furnishings, approximately	20,000
3.	2,124 shares Janus Fund, approximately	115,000
4.	534 shares Nicholas Fund, approximately	43,878
5.	267 shares Vanguard Fund, approximately	34,850
6.	335 shares Exxon, approximately	25,000
7.	441 shares Janus IRA, approximately (not counting Respondent's separate Property interest of approximately $7,000)	15,646
8.	6666.881 shares Vanguard Index IRA, approximately	8,666
9.	Membership Lakeside Golf Club ($75,000 less 25% transfer fee)	56,250
10.	Vanguard Index Fund, bonus from LEARN, pre-tax, appr.	66,439
11.	21% interest in Respondent's legislative retirement benefits	Not valued
12.	500 shares Aames Financial, approximately	377

Appendix C

SCHEDULE OF ASSETS AND LIABILITIES

COMMUNITY PROPERTY

13. 533 shares Indymac Mortgage, approximately	7,400
Total value, approximately	$522,172

COMMUNITY OBLIGATIONS

1. Melissa Roos	$63,800
2. MBNA America	5,000
Total obligations	68,254
NET VALUE OF COMMUNITY ESTATE	$453,958

Plus an undivided one-half interest in the community's interest in Respondent's legislative retirement benefits.

Appendix C

RESPONDENT'S SEPARATE PROPERTY

1. Many items of household furniture and furnishings located in the residence at 2105 Kenilworth Ave	Value unknown
2. 150 shares Exxon, approximately	$12,000
2 Interest in IRA (Vanguard) (referred to above), approximately	8,666
3. Miscellaneous securities in Respondent's account at Charles Schwab, approximately	34,000
4. 1989 La Forza automobile, approximately	17,000
5. Payden & Rigel Total Return Fund, approximately	24,000
6. Place 2780 Limited Partnership AKT Development Cop., 7700 College Town Dr. Suite 101, Sacramento, CA 95826, approximately	43,000
7. Savings account at Tokai Bank, Main Office Account No. 092105830, approximately	6,200
8. Checking account at Tokai Bank, Main Office Account No. 001 049 704, approximately	4,200
9. 79% interest in Respondent's legislative retirement benefits	Value unknown
10. Park Place Entertainment, approximately	6,187

Appendix C

RESPONDENT'S SEPARATE PROPERTY

11. Separate property interest in Janus IRA, approximately 7,000

12. 500 shares Aames, approximately 377

13. 300 shares Indymac, approximately 4,200

2

PROPOSED DIVISION OF COMMUNITY PROPERTY

TO PETITIONER:

1. Household furniture and furnishings , approximately 20,000

2. Janus Fund (The balance to be divided equally between The parties)
95,000

3. ½ of Respondent's bonus from LEARN, pre-tax, approx. 33,000

4. One-half of Janus IRA, approximately 11.300

5. One-half of Vanguard Fund, approximately 33,200

6. One-half of Nicholas fund, approximately 21,900

7. One-half of Exxon, approximately 12,000

Appendix C

PROPOSED DIVISION OF COMMUNITY PROPERTY

7.	250 shares of Aames, approximately	188
8.	267 shares of Indymack, approximately	3,700
	Total value:	$300,000

Less Community debts to be paid by Respondent:

3

1.	Melissa Roos	$62,800	
2.	MBNA	4,454	
	Total debts:		-68,254
	Net velue to Respondent:		$ 231,950

4

Appendix C

PROPOSED DIVISION OF COMMUNITY PROPERTY

In addition, each of the parties will be awarded an undivided one-half interest in the community's interest in Respondent's legislative retirement benefits

OR

Alternatively, the Respondent will purchase the Petitioner's interest in these benefits by transferring the La Forza automobile to her at an agreed value of $10,000 plus $7,500 in cash a total of $17,500

* * *

Appendix D

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) TELEPHONE NO

ROBERT M. NEWELL, ESQ. # 19006 (213) 629-1231

600 Wilshire Boulevard, 17th, Floor

Los Angeles, CA 90017-3229

ORIGINAL FILED
MAR 02 2000

ATTORNEY FOR (NAME) MICHAEL ROOS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MARRIAGE OF

LOS ANGELES
SUPERIOR COURT

PETITIONER: LORNA ROOS

RESPONDENT: MICHAEL ROOS

SCHEDULE OF ASSETS AND DEBTS
☐ **Petitioner's** ☐ Respondent's

CASE NUMBER
BD202859

-INSTRUCTIONS-

List all your known community and separate assets or debts. Include assets even if they are in the possession of another person, including your spouse. If you contend an asset or debt is separate, put H or W in the first column (separate property) to indicate to whom you contend it belongs.

All values should be as of the date of signing the declaration unless you specify a different valuation date with the description.

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Appendix D

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				$193,000 ÷ $128,666	2/3 =
	SEE ATTACHED SCHEDULE OF ASSETS FOR BALANCE OF ASSETS AND DEBTS				
2.	HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES (Identify)				
3.	JEWELRY, ANTIQUES, ART, COIN COLLECTIONS, etc. (Identify)				

(Continued on reverse) Page one of four

SCHEDULE OF ASSETS AND DEBTS

Form approved by rule 1292.11 (Family Law) Code of Civil Procedure 2030

Appendix D

ITEM NO.	**DEBTS** SHOW TO WHOM OWED	SEP PROP.	TOTAL OWING	DATE INCURRED
1	STUDENT LOANS		$	
2.	TAXES (Give details.)			
3.	SUPPORT ARREARAGES (Attach copies of orders and statements.)			
4.	LOANS – UNSECURED (Give bank name and Loan No. and attach copy of latest statement.)			
5	CREDIT CARDS (Give credit's name and address and the account number. Attach copy of latest statement)			
6	OTHER DEBTS (Specify)			
7.	TOTAL DEBTS FROM CONTINUATION SHEET			
8.	TOTAL DEBTS			

9. ☐ _____ pages are attached as continuation sheets.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 3/1/00

MICHAEL ROOS

(TYPE OR PRINT NAME OF DECLARANT)

"s/"

(SIGNATURE OF DECLARANT)

Appendix D

SCHEDULE OF ASSETS AND LIABILITIES

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5.	267 shares Vanguard Fund, approximately	34,850
6.	335 shares Exxon, approximately	25,000
7.	441 shares Janus IRA, approximately	15,646
	(not counting Respondent's separate Property interest of approximately $7,000)	
8.	6666.881 shares Vanguard Index IRA, approximately	8,666
9.	Membership Lakeside Golf Club ($75,000 less 25% transfer fee)	56,250
10.	Vanguard Index Fund, bonus from LEARN, pre-tax, appr.	66,439
11.	21% interest in Respondent's legislative retirement benefits	Not valued
12.	500 shares Aames Financial, approximately	377

Appendix D

SCHEDULE OF ASSETS AND LIABILITIES

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Total value, approximately	$522,172

COMMUNITY OBLIGATIONS

1. Melissa Roos	$63,800
2. MBNA America	5,000
Total obligations	68,254
NET VALUE OF COMMUNITY ESTATE	$453,958

Plus an undivided one-half interest in the community's interest in Respondent's legislative retirement benefits.

Appendix D

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2	Interest in IRA (Vanguard)	8,666
	(referred to above), approximately	
3.	Miscellaneous securities in Respondent's account at Charles Schwab, approximately	34,000
4.	1989 La Forza automobile, approximately	17,000
5.	Payden & Rigel Total Return Fund, approximately	24,000
6.	Place 2780 Limited Partnership AKT Development Cop., 7700 College Town Dr. Suite 101, Sacramento, CA 95826, approximately	43,000
7.	Savings account at Tokai Bank, Main Office Account No. 092105830, approximately	6,200
8.	Checking account at Tokai Bank, Main Office Account No. 001 049 704, approximately	4,200
9.	79% interest in Respondent's legislative retirement benefits	Value unknown
10.	Park Place Entertainment, approximately	6,187

Appendix D

RESPONDENT'S SEPARATE PROPERTY

11.	Separate property interest in Janus IRA, approximately	7,000
12.	500 shares Aames, approximately	377
13.	300 shares Indymac, approximately	4,200

PROPOSED DIVISION OF COMMUNITY PROPERTY

TO PETITIONER:

1.	Household furniture and furnishings , approximately	20,000
2.	Janus Fund (The balance to be divided equally between The parties) 95,000	
3.	½ of Respondent's bonus from LEARN, pre-tax, approx.	33,000
4.	One-half of Janus IRA, approximately	11.300
5.	One-half of Vanguard Fund, approximately	33,200
6.	One-half of Nicholas fund, approximately	21,900
7.	One-half of Exxon, approximately	12,000

Appendix D

PROPOSED DIVISION OF COMMUNITY PROPERTY

7.	250 shares of Aames, approximately	188
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	Total value:	$300,000

Less Community debts to be paid by Respondent:

3

1.	Melissa Roos	$62,800	
2.	MBNA	4,454	
	Total debts:		-68,254
	Net velue to Respondent:		$ 231,950

4

Appendix D

PROPOSED DIVISION OF COMMUNITY PROPERTY

In addition, each of the parties will be awarded an undivided one-half interest in the community's interest in Respondent's legislative retirement benefits

OR

Alternatively, the Respondent will purchase the Petitioner's interest in these benefits by transferring the La Forza automobile to her at an agreed value of $10,000 plus $7,500 in cash a total of $17,500

* * *

RESPONDENT'S PURCHASE WITH THE $100,000 GIFT TO HIM FROM HIS MOTHER ON MAY 1, 1996

AKT Development 2780 Placer property partnership	$43,000
Aames Financial Corp. 1006 @ 1-7/16	1,509
Indymac Mortgage holdings 887 @ 10- ½	9,313

Appendix D

Intel Corp. 150 @ 130	19,500
Lakes Gaming 125 @ 9.125	1,140
Park Place Entertainment 500 @ 7.5	3,750
Miscellaneous securities in Charles Schwab account # 7595-7161	34,000
La Forza automobile	17,000
Savings account at Tokai Bank Account #092105830	6,296
Checking account at Tokai Bank Account # 001-049704 Opened after separation	4,245

Appendix E

SUPERIOR COURT OF THE STATE OF CALIFORNIA
THE COUNTY OF LOS ANGELES
DEPARTMENT CE83 HON. RUDOLPH A. DIAZ, JUDGE

IN RE THE MARRIAGE OF:	)	
LORNA ROOS,	)	
PETITIONER,	)	
AND	)	NO. BD202859
MICHAEL ROOS,	)	
RESPONDENT,	)	
_____	)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
JUNE 17, 2010

APPEARANCES:

Appendix E

FOR THE PETITIONER: LORNA ROOS
IN PROPRIA PERSONA

FOR THE RESPONDENT: KENNETH NAHIGIAN,
ESQ.
20335 VENTURA BOULEVARD,
SUITE 430, WOODLAND HILLS,
CALIFORNIA 91364
(818) 264-0209

BARBARA MENDOZA, CSR 3527
OFFICIAL REPORTER

COPY

Appendix E

WHAT IS YOUR NAME, AGAIN?

MR. NAHIGIAN: NAHIGIAN.

THE COURT: I'D LIKE TO WAIT UNTIL SHE GETS BACK ON WE'LL WAIT ANOTHER HALF HOUR OR SO. SEE IF SHE WILL GET BACK ON.

MR. NAHIGIAN: THANK YOU. YOUR HONOR.

THE COURT: I DO WANT TO GIVE HER A CHANCE TO BE PRESENT.

(UNRELATED MATTERS WERE HEARD)

THE COURT: MISS ROOS? IS ANYBODY ON THE LINE? ALL RIGHT. COUNSEL, COME FORWARD ON THE ROOS MATTER.

I THINK ONE OF THE PROBLEMS, SHE LIVES A LONG DISTANCE. SHE LIVES IN SANTA BARBARA.

Appendix E

I THINK IT'S PRETTY CLEAR, COUNSEL, AFTER REVIEWING THE O.S.C., A COPY OF WHICH I DON'T HAVE, I BORROWED YOUR COPY, SHE INDICATES SHE IS GOING TO NEED TO CONDUCT DISCOVERY, AS WELL.

I ALSO INDICATED, GLANCE AT THE O.S.C., IT WOULD APPEAR TO ME UNLESS SHE CAN DEMONSTRATE NEWFOUND EVIDENCE, WHICH SHE IS SUGGESTING SHE CAN, I DID NOT SEE IT SPECIFICALLY, **THESE ISSUES ARE RES JUDICATA. THE COURT HAS NOT ONLY HEARD HER APPLICATION PREVIOUSLY, BUT ALSO DENIAL OF HER REQUEST FOR NEW TRIAL WAS APPEALED BY HER WITH THE SAME RESULT.**

I'M GOING TO CONTINUE THIS MATTER ON THE COURT'S CALENDAR. IT SOUNDS TO ME A LOT OF TIME IS GOING TO BE NEEDED TO RE-

Appendix E

SOLVE THIS. UNLESS THE COURT DENIES IT BECAUSE IT'S RES JUDICATA. IF SHE IS GOING TO DEMONSTRATE NEW EVIDENCE, I DON'T KNOW WHAT SHE IS GOING TO DO. SHE ALSO INDICATES SHE IS GOING TO BE SEEKING DISCOVERY. GOING TO HAVE TO MAKE A SEPARATE APPLICATION FOR DISCOVERY SINCE THIS IS A POST JUDGMENT MATTER.

Appendix E

SUPERIOR COURT OF THE STATE CALIFORNIA
THE COUNTY OF LOS ANGELES
DEPARTMENT CE83 HON. RUDOLPH A. DIAZ, JUDGE

IN RE THE MARRIAGE OF:	)	
LORNA ROOS,	)	
PETITIONER,	)	
AND	)	NO. BD 202859
MICHAEL ROOS,	)	REPORTER'S
RESPONDENT,	)	CERTIFICATE
_____	)	

I, BARBARA MENDOZA, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID

Appendix E

CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND THAT THE FOREGOING PAGES 1 THROUGH 14, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD AND THE TESTIMONY TAKEN IN THE ABOVE-CAPTIONED MATTER ON OCTOBER 28, 2008 AND **JUNE 17, 2010**.

DATED THIS 10TH DAY OF AUGUST, 2010.

"s/" C.S.R. #3527

OFFICIAL COURT REPORTER

Appendix F

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Dept: Dept. CE 83

Date	09-08-10				[CE 83]
Honorable	RUDOLPH DIAZ	Judge	G. REGALADO		Deputy Clerk
Honorable		Judge Pro Tem	M BAXTER		Court Assistant
8	J. PENA	Deputy Sheriff	B MENDOZA #3527		Reporter

8:30 a.m. BD202859

Roos, Lorna (X) — Counsel For Petitioner — In Pro Per (x)

VS

Roos, Michael (N/A) — Counsel For Respondent JORDAN METZ (X) & KENNETH R NAHIGIAN (X)

Nature of Proceedings PETITIONER'S MOTION- TO SET ASIDE JUDGMENT AND FOR FEES

The matter is called for hearing. Petitioner is sworn and testifies.

The Court finds no hearing took place on 6-28 as stated by Petitioner.

The Court sustains respondent's objections to petitioner's declarations.

The issue of petitioner's Reply filed on 9-7-10 is raised. This is rejected as untimely.

Appendix F

The Court announces its findings as fully reflected in the notes of the official court reporter, incorporated herein by reference. Based thereon petitioner's motion is denied as is respondent's request for attorney fees and to declare petitioner a **vexatious litigant.**

Counsel for respondent shall prepare an Order After Hearing. It shall be submitted to opposing party for approval as to form and content and then submitted to the Court for signature. This shall be done in compliance within the limits of LAC Rule 14.11.

DEPT Dept CE 83 [CE 83]

MINUTES ENTERED 09-08-10 COUNTY CLERK

Appendix G

Form 706(Rev8-02)

Estate of: MALISSA W ROOS 408-16-0248

SCHEDULE G- Transfers During Decedent's Life

(If you elect section 2032A valuation, you must complete Schedule G and Schedule A-1)

Item number	Description For securities, give CUSP number	Alternate valuation date	Alternate value	Value at date of death
A	Gift tax paid by the decedent or the estate for all gifts made by the decedent or his or her spouse within 3 years before the decedent's death (section2035(b))	X X X X X		
B	Transfers includible under section 2035(a), 2036, 2037, or 2038			
1	THE FOLLOWING ASSETS WERE HELD BY MALISSA W ROOS AND **MICHAEL Y. ROOS AS CO- TRUSTEES OF THE ROOS FAMILY LIVING TRUST DATED AUGUST 11, 1989,** AS AMENDED BY AMENDMENT TO THE ROOS FAMILY LIVING TRUST DATED APRIL 14, 1997, WALTER L ROOS AND MALISSA W ROOS, AS TRUSTORS, A COPY OF WHICH TRUST DOCUMENTS ARE ATTACHED TO THE RETURN			0
2	REAL PROPERTY LOCATED IN BAHAMAS – CHESAPEAKE BLOCK 6 LOT 109 (REAL ESTATE BROKER LETTER ATTACHED			4,460
3	10 SHARES MINORITY INTEREST IN COMMERCE CASINO CLUB INC, A CALIFORNIA			
Total from contribution schedules (or additional sheets) Attached to this schedule				500,000
Total (Also enter on Part 5, Recapitulation, page 3 at item 7)				504,460

Appendix G

SCHEDULE H – POWERS OF APPOINTMENT

(Include 5 and 5 lapsing powers (section 2041(b)(2) held by the decedent)
(If you elect section 2032A valuation, you must complete Schedule H and Schedule A- 1)

Item number	Description	Alternate valuation date	Alternate value	Value at date of death
1	NONE			0
	Total from contribution schedules (or additional sheets) Attached to this schedule .			
	Total (Also enter on Part 5, Recapitulation, page 3 at item 8)			0

(If more space is needed, attach the continuation schedule from the end of this package or additional sheets of the same size)
(The instructions to Schedule G and H are in the separate instructions)

Appendix G

Estate of: MALISSA W ROOS 408-16-0248

Continuance of **SCHEDULE G**- Transfers During Decedent's Life

Item no	Description For securities, give CUSP number if available	Alternate valuation date	Alternate value	Value at date of death
	S- CORPORATION VALUATION REPORT ATTACHED TO THIS RETURN VALUE OF 20 SHARES COMMERCE CASINO CLUB $1,000,000. LESS 10 SHARES OWNED BY THE EXEMPTION TRUST OF THE ROOS FAMILY TRUST (EIN (33-6088274) (500,000) 500,000			500,000
Total (Carryforward to main schedule)				500,000

Appendix H

TAXABLE YEAR 2004 — CALIFORNIA SCHEDULE

SHAREHOLDER'S SHARE OF INCOME, DEDUCTIONS, CREDITS, etc. — K-1 (100S)

For use by an S corporation and its shareholder only.

For calendar year 2004 or fiscal year beginning month day year 2004, and ending month day year

Shareholder's identifying number 410-68-xxxx	California corporation number D-1153506
Shareholder's name, address, and ZIP Code SHAREHOLDER# 24 MICHAEL Y. ROOS 515 S. FLOWER ST., SUITE 3500 LOS ANGELES, CA 90071	Corporation's name, address, and ZIP Code CALIFORNIA COMMERCE CLUB, INC. 6131 E. TELEGRAPH ROAD COMMERCE, CA 90040

A Shareholder's percentage of stock ownership at year end 0.276021%

B Tax shelter registration number _____ Type _____

C Check here if this is . (1) ☐ A final Schedule K-1 (2) ☐ An amended Schedule K-1

D What type of entity is this shareholder? . (1) ☐ Individual (2) ☐ Estate/Trust (3) ☐ Qualified Exempt Organization

E Is this shareholder a nonresident of California? → ☐ Yes . ☒ No

Caution Refer to the shareholder's instructions for Schedule K-1 (100s) before entering information from this schedule on your California tax return

	(a) Pro-rata share items	(b) Amount from federal Schedule K-1 (1120S)	(c) California adjustment	(d) Total amounts using California law Combine (b) and (c) where applicable	(e) California source amounts and credits
1	Ordinary income (loss) from trade or business activities . .	59,425.	3,500	62,925	62,925
2	Net income (loss) from rental real estate activities	2,274	23	2,297	2,297
3	Net income (loss) from other Rental activities				
4	Portfolio income (loss) a Interest	221	-108	113	113
	b Dividends				
	c Royalties. . .				

Appendix H

	(a) Pro-rata share items	(b) Amount from federal Schedule K-1 (1120S)	(c) California adjustment	(d) Total amounts using California law Combine (b) and (c) where applicable	(e) California source amounts and credits
	4 Portfolio income (loss)				
	d Net short –term capital gain (loss)				
	e Net long-term capital gain (loss)				
	f Other portfolio income (loss) Attach Schedule				
	5 Net gain (loss) under IRC Section 1231 (other than due to casualty or theft)	-230		-230	-230
	6 Other income (loss) Attach Schedule				
	7 Charitable contributions	1,097		1,097	
	8 Expense deduction for recovery property (R&TC Sections 17267 2, 17267 6 and 17268, and IRC Section 179) Attach Schedule				
	9 Deductions related to portfolio income (loss) Attach schedule				
	10 Other income (loss) Attach schedule				
	11 a Interest expense on investment debts				
	b (1) Investment income included on line 4a, line 4b, line 4c, and line 4f above	221	-108	113	113
	(2) Investment expenses included on line 9 above				
	12 a Low-income housing credit See instructions Attach schedule				
	b Credits related to rental real estate activities other than on line 12 (a) Attach schedule				

Appendix H

	(a) Pro-rata share items	(b) Amount from federal Schedule K-1 (1120S)	(c) California adjustment	(d) Total amounts using California law Combine (b) and (c) where applicable	(e) California source amounts and credits
	12 (con't) c Credits related to other rental activities See instructions Attach schedule				
	13 Other credits Attach schedule				

Appendix I

SUPERIOR COURT, CALIFORNIA OF RIVERSIDE, STATE OF CALIFORNIA

☐ BANNING 155 E Hays, Banning, Ca 92222

☐ BLYTHE 265 North Broadway, Blythe, Ca 92225

☐ CORONA 505 Buena Vista, Corona, Ca 91720-1397

☐ HEMET 220 N state St , Hemet, Ca 92543

X☐ INDIO 46200 Oasis St , Indio, Ca 92201

☐ LAKE ELSINORE 117 S Langstaff, Lake Elsinore, Ca 92530

☐ MORENO VALLEY 13800 Ave D201, Moreno Valley, Ca 92553-3338

X☐ PALM SPRINGS 3255 E Tahquitz Canyon Way, Palm Springs, Ca 92262

☐ PERRIS 227 N "D" St., Riverside, Ca 92370

☐ RIVERSIDE 4100 Main St , Riverside, Ca 92501

☐ TEMECULA 41002 County Center Dr , #100, Temecula, Ca 92501

To: Lorna Line Roos

Date: 4-15-08

Re: Walter Louis Roos

Case # None Found

Appendix I

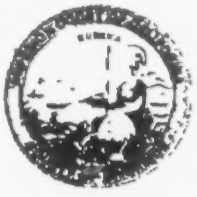
_____ We have researched our probate records pursuant to your request. Given the information provided, there is no indication of probate case activity for this individual for the year(s) 1970-present

Our record search includes the Superior Court for Riverside County, Indio Branch only. Includes Palm Springs.

_____ The Court will provide copies of the complaint and the docket for a charge of $.50 per page, and to certify each case as true copies, there will be an additional charge of $15.00. You may enclose a check payable to "Clerk of the Court" with a notation that the amount of the check shall not exceed "amount" of dollars.

_____ OTHER: _____

By: "s/" J Aguirre
Deputy Clerk



Appendix J

Michael F. Bowler III, Esquire [State Bar No. 43243]
David E. kenney, Esquire [State Bar No. 114412]
KARNS & KARABIAN
900 Wilshire Boulevard, Suite 530
Los Angeles, CA 90017-4706
Attorney for Petitioner Michael Y. Roos

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

Oct 27 2004

A. COSIO

SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF RIVERSIDE

In re the Estate of :) Case No. INP 018278
MALISSA WILLIAMSON ROOS,) ORDER
Deceased,) SETTLING THE FINAL
) ACCOUNT AND REPORT
) OF ADMINISTRATION AND
) FINAL DISTRIBUTION

The Petition for an Order Settling the Final Account and Report of Administration and for Final

Appendix J

Distribution came on regularly for hearing in Department 1B of the above- entitled court on October 18, 2004.

There was no opposition to the petition.

On evidence given to the satisfaction of the court, the court finds as follows:

1. Notice of the time and place of the hearing was given as required by California Probate Code Section 11601.
2. The account and report covers the period from September 15, 2003, to September 1, 2004, inclusive. The account and report are full, verified, true and correct.
3. Notice to credits was published in the manner prescribed by California Probate Code Section 9001. Notice of administration under California Probate Code Sections 9050-9052 is not required in this manner.

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***

1

Order settling the Final Account and Report of Administration and Final Distribution

4. The time for filing creditor's claims against this estate has expired. No claims were filed.
5. A federal estate tax return has been filed for this estate. The estate taxes have been paid.
6. Federal and state estate income tax returns have been filed for the estate and the amount shown on said returns as payable has been paid.
7. No personal property taxes are due or payable by this estate.
8. The executor f the decedent's Will and Codicil waives all statutory commission in this estate.
9. The attorneys for the executor waive all of the statutory fees in this estate.

Appendix J

10. The estate is in conditioned to be closed. All debts and expenses of administration will be paid pursuant to the request.
11. A request for special notice has been filed in this estate. Notice and a copy of this order will be given pursuant to the request.
12. All of the property of the estate was the separate property of the decedent.
13. The property should be distributed as hereinafter ordered.

IT IS ORDERED THAT:

1. The Final Account and Report of Michael Y. Roos, as personal representative of the Estate of Malissa Williamson Roos, deceased, is approved and all acts and transactions of the personal representative relating to matters in the report are ratified and confirmed, and the final

account covering the period from September 15, 2003, to September 1, 2004, inclusive, is settled and allowed as filed.

2. The personal representative shall distribute the following described property in the estate to the following named persons:

    a.) Michael Y. Roos, the sum of $1,520.00 in cash and one-third of the personal property;

    ***

Appendix J

b.) Christine Roos Rucker, the sum of $1,520.00 in cash and one-third of the personal property;

c.) Melissa Roos Walker, the sum of $1,520.00 in cash and one-third of the personal property;

d.) Shelby Ann Roos, the sum of $305.00 in cash;

e.) Melissa Marie Roos, the sum of $305.00 in cash;

f.) Catherine Michael Roos, the sum of $305.00 in cash;

g.) Caroline Will Roos, the sum of $305.00 in cash;

h.) Peter Christine Rucker, the sum of $305.00 in cash;

Appendix J

i.) Walter Jordan Rucker, the sum of $305.00 in cash;

j.) Katherine Mary Walker, the sum of $305.00 in cash;

k.) Christopher Walker, the sum of $305.00 in cash; and

l.) Ann Marie Pera Roos, the sum of $305.00 in cash.

3. Karns & Karabian, Attorneys at Law, are reimbursed the $940.63 in costs it advanced the estate.

4. A decree be made for distribution of all remaining property in which the decedent or the estate may have an interest whether described herein or not, equally to the following individuals, up to $4,695.00 each to Shelby Ann Roos, Melissa Marie Roos, Catherine Michael Roos, Caroline Will Roos,

Appendix J

Peter Christian Rucker, Walter Jordan Rucker, Katherine Mary Walker, Christopher Walker, and Ann Marie Pera Roos and then to Michael Y. Roos, Christine Roos Rucker and Melissa Roos Walker, one-third each.

Dated: 10/26, 2004.

"s/" Robert Taylor

JUDGE OF THE SUPERIOR COURT

Appendix K

SUPERIOR COURT OF THE STATE OF CALIFORNIA
THE COUNTY OF LOS ANGELES
DEPARTMENT CE83 HON. RUDOLPH A. DIAZ, JUDGE

IN RE THE MARRIAGE OF:)
LORNA ROOS,)
PETITIONER,)
AND) NO. BD202859
MICHAEL ROOS,)
RESPONDENT,) COPY
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
April 27, 2009

APPEARANCES:

Appendix k

FOR PETITIONER:

BY: Lorna Roos, in Propria Persona

FOR RESPONDENT:

Goodman and Metz Law Offices

By: Jordan Metz

Attorney at Law

17043 Ventura Boulevard,

Encino California 91316

818. 386.2880

Reported by J. Hollifield, CSR 12564

Official Reporter

Appendix k

THE PETITIONER: I have the documents here --

THE COURT: -- haven't seen any evidence --

THE PETITIONER: -- that he actually --

THE COURT: -- of fraud --

THE PETITIONER: -- signed it over.

THE COURT: -- and, accordingly, the court is Denying the motion for -- to set aside the judgment of The court.

THE PETITIONER: And you're basing this on what?

THE COURT: **On the lack of proof.**

THE PETITIONER: Well, we have the information That we presided [sic] to the Court is quite substantial. And There's fraud. There's actual documents --

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(Simultaneous colloquy.)

THE COURT: -- to make argument, ma'am.

PETITIONER: No, no, no. The actual documents –

THE COURT: The argument's –

(Simultaneous colloquy.)

THE PETITIONER: -- are fraud. You can't take Somebody off title that owned real property and then do a Sham trust and then also claim to the Court that you have --

Appendix k

SUPERIOR COURT OF THE STATE CALIFORNIA
THE COUNTY OF LOS ANGELES
DEPARTMENT CE83 HON. RUDOLPH A. DIAZ, JUDGE

IN RE THE MARRIAGE OF:	)	
LORNA ROOS,	)	
PETITIONER,	)	
AND	)	NO. BD 202859
MICHAEL ROOS,	)	REPORTER'S
RESPONDENT,	)	CERTIFICATE
	)	

I, J. Hollifield, Official Reporter of the Superior Court of the State of California, for the County of Los Angeles, do hereby certify that the foregoing Pages 1 through 10 comprise a full, true, and correct transcript

Appendix k

Of the proceedings taken in the above entitled cause on April 27, 2009.

Dated this 16th of May, 2009.

"s/"

J. Hollifield

CSR 12564

OFFICIAL REPORTER

Appendix L

ROOS FAMILY LIVING TRUST

SCHEDULE A

1. California Commerce Club, Inc. stock (20 shares).